



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

JUN 08 2006

Adam Hoffinger
Demme Joannou
Morrison & Foerster
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, DC 20006

RE: MUR 5657
David Wittig

Dear Mr. Hoffinger and Ms. Joannou:

By letter dated November 21, 2005, your client, David Wittig, was notified that the Federal Election Commission found probable cause to believe that Mr. Wittig violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) of the Federal Election Campaign Act of 1971, as amended ("the Act"). After considering the circumstances of the matter, including the criminal sentence and penalties recently imposed upon your client, the Commission determined on June 6, 2006 to take no further action as to Mr. Wittig and closed its file in this matter.

The Commission nevertheless admonishes Mr. Wittig for consenting, as a corporate officer, to the facilitation of federal political contributions by Westar Energy, Inc. in violation of the Act and Commission regulations. The evidence obtained during the investigation indicates that Mr. Wittig directed subordinates to carry out a plan to collect individual contributions from Westar executives and deliver them to federal candidate committees. This plan ultimately resulted in the corporate facilitation of \$39,000 to federal candidate committees between 2000 and 2002 in violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f).

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003).

26044144489

If you have any questions, please contact me at (202) 694-1548.

Sincerely,

A handwritten signature in black ink that reads "Elena Paoli". The signature is fluid and cursive, with the first name "Elena" and last name "Paoli" clearly distinguishable.

Elena Paoli
Attorney

26044144490